IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 24065 of 1996

Between:

M/s. D.S.Narayana & Co., Pvt., Ltd., Rep. by its Managing Director,
Dantu Suryarao , Visakhapatnam.

..... PETITIONER

AND

The Board of Trustees, Visakhaptnam, rep.by its Chairman,
Port Trust, Visakhaptnam.

.....RESPONDENT

The Court made the following :

ORAL ORDER:

Aggrieved by the communication refusing to grant stevedoring license in the name of M/s. D.S. Narayana & Co. Private Limited i.e. the petitioner herein, Petitioner filed this writ petition.

The case of the petitioner is that it is a private limited company incorporated under the provisions of the Companies Act and had made an application to the respondent for grant of stevedoring license and had furnished all the information required, but the respondent, by the letter dated 11-05-1994, impugned in this petition, refused to grant such permission on the basis that another company by name M/s. D.S.Narayana & Company Private Limited is having such license.

The contention of the learned counsel for the petitioner is that enquiries made by the petitioner came to light that earlier one company by name D.S.Narayana

& Co. was having a stevedoring license and subsequently that company has become defunct and was not carrying on business and since that company is different from the petitioner company, respondent without keeping that fact in view, and also the fact that that company had become defunct, erroneously refused the request of the petitioner without assigning any reasons and so the refusal of the request of the petitioner is improper.

Though the writ petition is of the year 1996, no counter affidavit is filed on behalf of the respondent till today and there is no representation on behalf of the respondent also.

Since it is stated that D.S. Narayana & Company which was granted stevedoring license earlier, became defunct and that that company is different from the petitioner company, and since that aspect does not seem to have been taken into consideration by the respondent while refusing the request of the petitioner for grant of stevedoring license, I set aside the order impugned in this writ petition, and remit the case to the respondent for fresh consideration of the application of the petitioner by taking into consideration if D.S.Narayana & Co. which was granted stevedoring license earlier is still functioning and is the same as that of the petitioner or not, by affording an opportunity of being heard to the petitioner.

The writ petition is disposed of accordingly. No costs.

C.Y.SOMAYAJULU, J.

31-01-2006

Kvsn